

AN ORDINANCE

100961

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT IN THE LAWSUIT STYLED *THE CITY OF SAN ANTONIO V. UNIVERSITY OF THE INCARNATE WORD*, CAUSE NO. 2003-CI-10943, 408TH JUDICIAL DISTRICT, BEXAR COUNTY, TEXAS, AND APPROVING AN AGREEMENT WITH SBC COMMUNICATIONS, BOTH AGREEMENTS CONCERNING AND RESOLVING A DISPUTE OVER OWNERSHIP OF PROPERTY IMMEDIATELY ADJACENT TO AND EAST OF THE SAN ANTONIO RIVER, SOUTH OF EAST HILDEBRAND AVENUE, ON TERMS SUBSTANTIALLY IN ACCORDANCE WITH DRAFT AGREEMENTS ATTACHED AND INCORPORATED INTO THIS ORDINANCE; AND AUTHORIZING NEGOTIATION AND EXECUTION OF FINAL SETTLEMENT AGREEMENTS AND OF ADDITIONAL DOCUMENTS AND ADMINISTRATIVE ACTIONS NECESSARY TO IMPLEMENT THOSE AGREEMENTS.

* * * * *

Whereas, the City has asserted a claim to a portion of Pioneer Park in the lawsuit styled *The City Of San Antonio v. University Of The Incarnate Word*, Cause No. 2003-CI-10943, 408th Judicial District, Bexar County, Texas; and

Whereas, the City has asserted a claim to land immediately south of Pioneer Park in discussions with SBC Communications; and

Whereas, the City, the University of Incarnate Word, and SBC Communications have negotiated and proposed agreements to resolve their respective disputes over ownership of the affected property that is satisfactory to all parties, is in the public interest, and avoids the risk, uncertainty, and continuing expense of current and possible litigation relating to the dispute;
Now, Therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council approves a settlement agreement in the lawsuit styled *The City Of San Antonio v. University Of The Incarnate Word*, Cause No. 2003-CI-10943, 408th Judicial District, Bexar County, Texas, on terms substantially in accordance with the proposed Amended Rule 11 Agreement attached and incorporated into this ordinance as Exhibit A.

SECTION 2. The City Council approves an agreement with SBC Communications or its designated subsidiary or affiliate on terms substantially in accordance with the draft agreement attached and incorporated into this ordinance as Exhibit B.

SECTION 3. The Interim City Manager or his designee is authorized to negotiate and execute final settlement agreements on terms and conditions consistent with the agreements approved by Sections 1 and 2 of this ordinance, and to execute any further documents and take any necessary administrative action necessary or desirable to implement those final settlement agreements.

SECTION 4. This ordinance is effective immediately if approved by the vote of eight or more members of the City Council.

PASSED AND APPROVED this 26TH day of May, 2005.

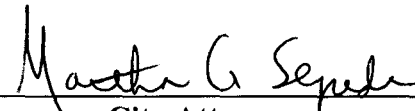


M A Y O R
EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

Agenda Voting Results

Name: 29.

Date: 05/26/05

Time: 06:12:07 PM

Vote Type: Multiple selection

Description: Consider an ordinance authorizing: (1) a full and final settlement agreement with the University of the Incarnate Word in the lawsuit styled City of San Antonio v. the University of the Incarnate Word, Cause No. 2003-CI-01943, 408th Judicial District, Bexar County, concerning title to property commonly known as Pioneer Park, located on Hildebrand Avenue on the east side of the San Antonio River; and (2) an agreement with SBC to resolve disputes concerning title to real property immediately south of Pioneer Park; and, pursuant to both agreements, securing the city's title to Pioneer Park, acquiring and conveying city-owned real property at the northeast corner of Hildebrand Avenue and Devine Road, conveying the city's interest in real property immediately south of Pioneer Park, and relocation of portions of Mt. Erin Pass, east of Devine Road. [Presented by Martha Sepeda, Acting City Attorney; J. Rolando Bono, Interim City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6	Not present			
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		